

Dear Maine Lobster Industry Member,

In June, I held a round of Lobster Zone Council meetings to bring you up to speed on the development of the federal regulations to protect right whales, and Maine's role in that process. At that time, I thought we would be coming back out to you in August. I am sorry it has taken this long before we have had further information to share with you. I recognize the uncertainty of the pending federal rules has been a source of additional stress on top of your concerns over bait and this summer's lower catch rates. However, we could not rush the development of Maine's plan – there is too much at stake for the industry.

The options we presented to you in June were based on the Take Reduction Team recommendations and included extreme changes to Maine's lobster fishery. Those scenarios posed economic hardship and significant risk to the safety of Maine fishermen. We have developed a plan which avoids those negative impacts and reduces risk where it occurs. I will present the details of this plan during meetings scheduled in early November (see dates at the bottom of this notice).

All of DMR's senior policy and science staff have been working to ensure we have a draft plan that addresses both the risk to right whales and concerns of fishermen expressed at the zone council meetings. Below you will find our draft plan which incorporates the Governor's directive to put forward a plan that is in keeping with the real risk the Maine fishery presents. This draft plan will not make everyone happy, but it is substantially different from what was discussed in June. It provides legitimate protection to right whales in compliance with federal laws and, I believe, is an approach that can work for much of the industry.

Due to the time it took to conduct a rigorous scientific analysis and review of laws, we are now prepared to hold meetings but time will not allow for seven zone council meetings which is why we will conduct three regional meetings. We will accept feedback on the draft plan before it is submitted in mid-November. Please note this draft plan will also request that zones have the flexibility to modify measures based on the needs of each region. This will mean more work will certainly happen within the zones if we are granted this type of conservation equivalency. The draft plan will include the following:

- **Status quo for trawling up in exempt waters (Shore to Exemption Line) -** *Data and industry observations make it clear - large whales rarely occur inside many of Maine's bays, harbors or inlets.*
 - No trawling up requirement will be included in exempt waters.
- **Trawling up requirements that will protect whales and fishermen -** *Reducing the number of vertical lines in the water reduces the risk of entanglement occurring in Maine waters*
 - From the exemption line to three miles - a minimum of three traps per trawl
 - From three to six miles from shore - a minimum of eight traps per trawl with two endlines, or 4 traps per trawl with one endline
 - From six miles to 12 miles from shore - a minimum of 16 traps per trawl
 - Twelve miles to the boundary of Lobster Management Area 1 – a minimum of 24 traps per trawl
- **Weak points in vertical lines -** *Studies have shown that right whales can break free of line at or under 1,700 pounds of pressure.*
 - Inside three miles - one weak point integrated into each vertical line
 - Outside three miles - two weak points, one in the middle of the line, and one ¼ way down from the buoy.
- **Maine-only gear marking -** *Location-specific marks will provide more targeted data for researchers trying to determine the origin of gear involved in an entanglement. It will also allow researchers to differentiate gear found on entangled whales from Maine gear.*
 - Both state and federally permitted Maine vessels – red marks on vertical lines will be replaced by Maine-specific purple marks
 - A 36-inch purple mark in the top two fathom of the line
 - Outside exempt waters, harvesters will be required to add an additional green mark to vertical lines
- **100 percent harvester reporting –** *Better data will help regulators develop targeted, effective regulations in the future*
 - 100 percent of licensed Maine lobster harvesters will be required to provide monthly reports, which will include information on fishing location and effort. The time of the implementation of this will depend on funding from other sources.

- **Vessel monitoring** – *Currently only those federally permitted lobster harvesters who also hold a federal permit for other species are required to use a vessel monitoring system*
 - Vessel tracking will be placed on all federally permitted lobster vessels
- **No trap reductions or closures** – *DMR's proposal includes no closures or reductions in traps*

Governor Mills, along with all members of the Congressional delegation, have been very active on all fronts and I appreciate their support. I believe this plan complies with requirements under the Marine Mammal Protection Act and, most importantly, the Endangered Species Act (ESA). The ESA not only considers the history of entanglements but also the future risk of vertical lines. I believe Maine's plan addresses the requirements of the ESA and recognizes the true risk in Maine's waters, while avoiding further management actions if there is a jeopardy finding.

I want to thank you for your commitment to participating in this process and for your patience during the development of the draft plan. I look forward to discussing this plan in greater detail at meetings in November.

Meetings will be held:

Monday, November 4, 2019 - The Grand, 165 Main Street, Ellsworth

Tuesday, November 5, 2019 - Medomak Middle School Gym, 318 Manktown Road, Waldoboro

Wednesday, November 6, 2019 – South Portland High School Auditorium, 637 Highland Ave, South Portland

(All meetings will begin at 5pm)

Patrick Keliher

Commissioner, Maine Department of Marine Resources